

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 80

[DA 98-1935]

New Orleans Vessel Traffic Services (VTS)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is re-designing the New Orleans, Louisiana VTS to the United States Coast Guard (Coast Guard) designated radio protection areas for mandatory VTS. This action is in response to a request from the Coast Guard. The re-designation of New Orleans, Louisiana as a VTS area will allow the Coast Guard to manage vessel traffic in a more efficient manner.

EFFECTIVE DATE: November 4, 1998.

FOR FURTHER INFORMATION CONTACT: James Shaffer, (202) 418-0680, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order*, DA 98-1935, adopted September 22, 1998, and released September 22, 1998. The full text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, NW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, Washington, DC 20036, telephone (202) 857-3800.

Summary of Order

1. By this Order, pursuant to delegated authority, we modify § 80.838(a) of the Commission's Rules to reinstate New Orleans, Louisiana, to the list of the United States Coast Guard (Coast Guard) designated radio protection areas for mandatory Vessel Traffic Services (VTS) systems and to re-establish marine VHF Channels 11 (156.550 MHz), 12 (156.600 MHz), and 14 (156.700 MHz) as the VTS frequencies for New Orleans. These amendments will allow the Coast Guard to manage vessel traffic in the New Orleans area more efficiently thereby increasing navigational safety in this busy port.

2. *Background.* The Coast Guard uses VTS systems as an advisory communications service to coordinate vessel movement and prevent collisions in large, busy port areas. Vessels report, by voice, information related to position, navigation and conditions

affecting navigation to the Coast Guard, which tracks the vessels' movements. VTS systems use VHF marine channels dedicated to their operations in Coast Guard-designated VTS areas. The Coast Guard requires that certain large ships, tow and tug boats, dredges, and floating platforms participate in VTS systems.

3. The Commission amended its rules in 1975, at the Coast Guard's request, to make frequencies in certain designated areas available exclusively for VTS communications. Since then, the Commission has added a number of VTS protection areas. Currently, § 80.383 of the Commission's Rules lists the following areas as Coast Guard designated VTS areas: Seattle; New York, New Orleans; Houston; Prince William Sound; Berwick Bay; Sault Ste. Marie; and San Francisco. Frequencies allotted for VTS communications are available outside of VTS designated areas for assignment for other purposes on a noninterference basis.

4. On May 1, 1996, the Commission adopted a Report and Order, 61 FR 26465 (May 28, 1996), in WT Docket No. 95-132 in which the Commission delegated authority to the Wireless Telecommunications Bureau (WTB) to designate radio protection areas for mandatory VTS and establish marine channels as VTS frequencies for these areas.

5. On July 30, 1988, the Coast Guard discontinued VTS operations in the New Orleans designated area due to budgetary constraints. As a result, the Commission noted that the VTS frequencies in the New Orleans VTS area would be available for use as permitted by § 80.373(f) of the Commission's Rules and that licensed operations in the area would be authorized on a provisional basis, conditioned on the continuation of the Coast Guard policy. It further noted that if the Coast Guard re-established the VTS system the Commission could require operations on these frequencies to cease or choose not to renew the conditional licenses. By letter dated February 11, 1998, the Coast Guard has requested that the Commission reinstate the designation of a New Orleans VTS area under § 80.383 of the Commission's Rules.

6. *Discussion.* We believe that reinstating New Orleans as a VTS area will allow the Coast Guard to manage vessel traffic in that area more efficiently and will help protect the marine environment by preventing vessel collisions and groundings. Therefore, at the Coast Guard's request, we are adding New Orleans (marine Channels 11, 12 and 14) to the Commission's list of designated radio

protection areas for VTS systems specified in § 80.383. The radio protection area for New Orleans will be reinstated as the rectangle between North latitudes 27 degrees and 30 minutes and 31 degrees and 30 minutes and West longitudes 87 degrees and 30 minutes and 93 degrees. As a result, we are amending our rules to re-establish New Orleans as a Coast Guard-designated radio protection area for mandatory VTS communications and to establish marine VHF Channels 11 (156.550 MHz), 12 (156.600 MHz), and 14 (156.700 MHz) as the VTS frequencies for New Orleans.

7. We will permit private coast stations currently authorized to operate on marine Channels 11, 12 and 14 within the New Orleans VTS area to continue operation until the end of their current license term on a noninterference basis. The WTB staff will assist affected licensees in finding suitable alternative channels. No fee will be charged for affected stations that apply for modification for an alternative channel before their next license renewals.

8. Accordingly, it is ordered, that pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and § 0.331 of the Commission's Rules, 47 CFR 0.331, Part 80 of the Commission's rules is amended as set forth and becomes effective November 4, 1998.

Federal Communications Commission.

Daniel B. Phythyon,

Chief, Wireless Telecommunications Bureau.

List of Subjects in 47 CFR Part 80

Communications equipment, Marine safety.

Rules Changes

Title 47 of the Code of Federal Regulations, Part 80, is amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.383 is amended by revising the table in paragraph (a) to remove footnote 1 and redesignate footnotes 2 and 3 as 1 and 2, to read as follows:

§ 80.383 Vessel Traffic Services (VTS) system frequencies.

(a) Assigned frequencies:

* * * * *

VESSEL TRAFFIC CONTROL FREQUENCIES

Carrier frequencies (MHz)	Geographic areas
156.550	New York, New Orleans, ² Houston, Prince William Sound, ² Berwick Bay.
156.600	New York, New Orleans, ² Houston, San Francisco, ² Sault Ste. Marie. ²
156.700	New York, New Orleans, ² Seattle, San Francisco. ¹

¹ Private coast station licenses for the use of this frequency will not be renewed beyond November 1, 1997. Continued use until expiration must be on a noninterference basis to Coast Guard VTS communications.

² Private coast station licenses for the use of this frequency in this area will expire at the end of the current license term or five years after the adopted date of the final rule, whichever comes first. Continued use until expiration must be on a noninterference basis to Coast Guard VTS communications.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 600 and 660**

[Docket No. 971229312-7312-01; I.D. 092898D]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Changes

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces changes to the trip limits in the Pacific Coast groundfish limited entry fishery for widow rockfish, the *Sebastes* complex, canary rockfish, Dover sole, longspine thornyheads, shortspine thornyheads, trawl-caught sablefish, and sablefish caught with nontrawl gear. NMFS announces changes to the trip limits in the Pacific Coast groundfish open access fishery for sablefish. NMFS also announces closures of open access fisheries: For all rockfish north of Cape Blanco, including all *Sebastes* complex species (which includes yellowtail rockfish and black rockfish); for canary rockfish coastwide; and for widow rockfish coastwide. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to keep landings within the 1998 harvest

guidelines and allocations for these species. In addition to these inseason trip limit changes and closures, NMFS updates the general definitions and provisions of the 1998 annual specifications to reflect regulatory amendments made in 1998.

DATES: Effective 0001 hours local time (l.t.) October 1, 1998; except effective at 0001 hours l.t. October 16, 1998, for changes to limited entry trip limits in Section IV. B. for limited entry trawl vessels in the "B" platoon. These changes remain in effect, unless modified, superseded, or rescinded, until the effective date of the 1999 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted through October 20, 1998.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle WA 98115-0070; or William Hogarth, Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Katherine King or Yvonne deReynier, Northwest Region, NMFS, 206-526-6140; or James Morgan, Southwest Region, NMFS, 526-980-4000.

SUPPLEMENTARY INFORMATION: The following changes to current management measures were recommended by the Pacific Fishery Management Council (Council) at its September 14-18, 1998, meeting in Sacramento, CA, in consultation with the States of Washington, Oregon, and California.

Limited Entry Fishery

Widow rockfish. Currently widow rockfish are managed under a cumulative limit of 15,000 lb (6,804 kg) per vessel, per month. The best available information at the September Council meeting indicated that the limited entry fishery would not be able to harvest its 4276 mt allocation by the end of the year if the monthly cumulative limit is not increased. To allow the fishery full access to its widow rockfish allocation, the Council recommended that the current monthly cumulative trip limit of 15,000 lb (6,804 kg) be increased to 19,000 lb (8,618 kg).

Sebastes complex. The *Sebastes* complex means all rockfish managed by the FMP except Pacific ocean perch, widow rockfish, shortbelly rockfish, and shortspine and longspine thornyheads.

Currently the *Sebastes* complex is managed with a cumulative trip limit of 20,000 lb (9,072 kg) coastwide, per vessel, per month. Within that monthly cumulative trip limit for the *Sebastes* complex, no more than 6,500 lb (2,948 kg) may be yellowtail rockfish taken and retained north of Cape Mendocino; no more than 1,000 lb (454 kg) may be bocaccio taken and retained south of Cape Mendocino; and no more than 7,500 lb (3,402 kg) may be canary rockfish coastwide.

The best available information at the September Council meeting indicated that the 4,677 mt limited entry allocation for the *Sebastes* complex in the Eureka-Monterey-Conception area would be reached by October 22, 1998, if the rate of landings is not curtailed. Therefore, the Council recommended that the current monthly cumulative trip limit of 20,000 lb (9,072 kg) be reduced to 15,000 lb (6,804 kg) south of Cape Mendocino. The monthly cumulative limit north of Cape Mendocino would